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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,326	06/28/2004	Yukihisa Miyazaki	403130/ASAHINA	8944
23548 7590 07/31/2007 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER NAUROT TON, JOAN	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,326	Applicant(s) MIYAZAKI ET AL.	
	Examiner Joan B. Naurot Ton	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/16/2005 and 06/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This first office action is in response to Application number 10/500326, filed on 06/28/2004.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-8 are rejected as the disclosed invention is directed to non-statutory subject matter. On pages 10, 11, and 15, numerous "programs" are disclosed. Software systems which are solely programs and are not embodied on a computer readable storage medium executed by a processor are not patentable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyoshi et al, hereinafter referred to as Tsuyoshi (JP 11-031179) in view of Hirofumi et al (JP 2001-312536), hereinafter referred to as Hirofumi.

Regarding claim 1, Tsuyoshi discloses a data exchange system in which data is mutually exchanged among a plurality of cooperative companies which produce products cooperatively, comprising periodically collecting or retrieving at least one of product progress information, quality information and business information of one's own company, (paragraph 0010) standardizing and editing the data for transmission to cooperative companies, (paragraph 0010, discloses the information is "unified") exchanging the data between one's own company and another of the cooperative companies, outputting transmission data to a file in a fixed format (paragraph 0013 discloses a database, which is a file with a predetermined format) automatically and periodically transmitting to the cooperative companies, and receiving the corresponding to the transmission data from the cooperative companies. (Since the data is transmitted to the database which the companies can access, it is transmitted and received to the cooperative companies.)

Hirofumi discloses sending as an attached data of e-mail, and receiving email. (paragraph 0028) The general concept of providing an email attachment and receiving email is well known in the art as illustrated by Hirofumi who discloses an email attachment and receiving email in a production control method.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi to include the use of an email attachment and receiving email in his advantageous method as taught by Hirofumi in order to realize production control as stated by Hirofumi.

Regarding claim 5: Tsuyoshi discloses the data exchange system including a database which receives data collected in one's own company and received from the cooperative companies in a fixed cycle and stores, updates and maintains the data.
(paragraph 0009)

Regarding claim 7: Tsuyoshi discloses the data exchange system including a conversion master for converting data between one's own company and one of the cooperative companies, including product names, lot numbers used in each of the cooperative companies. (Since paragraph 0010 discloses using EDIFACT, and product numbers, a conversion master is used since the data is first standardized then sent to effectively communicate between companies)

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyoshi and Hirofumi in view of Ji et al (US patent 5623600), hereinafter referred to as Ji.

Regarding claim 2: Tsuyoshi and Hirofumi disclose all the limitations of claim 2 except for including using FTP communication protocol of the data exchange. (Col 2, lines 55-56)

The general concept of including using FTP in data exchange is well known in the art as illustrated by Ji who discloses FTP in data exchange.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi to include the use of FTP in his advantageous method as taught by Ji in order to transfer data as stated by Ji in his abstract.

Regarding claim 3: Tsuyoshi and Hirofumi disclose all the limitations of claim 3 except for including using a proxy server as an FTP function for transmission. (Ji discloses this in Col 2, lines 55-56) The general concept of including using FTP and a proxy server in data exchange is well known in the art as illustrated by Ji who discloses FTP and a proxy server in data exchange.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi to include the use of FTP and a proxy server in his advantageous method as taught by Ji in order to transfer data as stated by Ji in his abstract.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyoshi and Hirofumi (2001-312536) and Mauney et al (US patent 6484027) hereinafter referred to as Mauney.

Regarding claim 4: Tsuyoshi and Hirofumi disclose all the limitations as disclosed in claim 4 except for retrying a fixed number of times to wait for data and when new data is not obtained within the fixed number of times.

Hirofumi also discloses upon collecting or retrieving data required for creating transmission data, when the collected or retrieved data is not new, (In paragraph 0011

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Hirofumi discloses that sometimes new information can not be submitted implying that the collected data is not new, sending an e-mail indicating that new data has not obtained to an address of a person who supplied data. (Hirofumi: paragraph 0077 discloses sending an email to the originator)

The general concept of sending an email when data has not arrived is well known in the art as illustrated by Hirofumi who discloses sending email to communicate that data has not arrived.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi to include the use of sending an email when data is not new in his advantageous method as taught by Hirofumi in order to realize production control as stated by Hirofumi.

Hirofumi and Tsuyoshi discloses all the limitations as disclosed above except for retrying a fixed number of times to wait for data and when new data is not obtained within the fixed number of times

Mauney discloses waiting for new data for a fixed number of times. (Mauney discloses this in Column 7, lines 43-50).

The general concept of providing a fixed number of times to wait for new data is well known in the art as illustrated by Mauney who discloses waiting for new data in a communications method.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi and Hirofumi to include the use of waiting for a fixed

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number of times to wait for new data in his advantageous method as taught by Mauney in order to enhance the communication method.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyoshi and Hirofumi in view of Branton Jr. et al (US patent 5870558), hereinafter referred to as Branton Jr.

Regarding claim 6: Tsuyoshi and Hirofumi disclose all the limitations except for including disclosing the data in the database in one's own company through an intranet. Branton Jr. discloses disclosing data from a database through an intranet. (Figure 8)

The general concept of providing a intranet which discloses database information is well known in the art as illustrated by Branton who discloses a database disclosing data through an intranet.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi and Hirofumi to include the use of a database disclosing data through an intranet in his advantageous method as taught by Branton Jr. in order to effectively manage and retrieve data.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyoshi and Hirofumi In view of McGurl (US patent 6223168), hereinafter referred to as McGurl.

Regarding claim 8: Tsuyoshi and Hirofumi discloses all the limitations as disclosed in claim 8 except for including adding to the file attached to said e-mail a password and compressing the file.

McGurl discloses compressing files and password protecting them. (Column 8, lines 1-5)

The general concept of providing a file with password protection and compressing files is well known in the art as illustrated by McGurl who discloses compressing and password protecting any type of transmission including email.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Tsuyoshi and Hirofumi to include the use of password protecting and compressing files in his advantageous method as taught by McGurl in order to enhance the data delivery system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBNT

07/23/2007



NATHAN FLYNN
SUPERVISORY PATENT EXAMINER